

May 18th, 9:00 AM - May 21st, 5:00 PM

Moral disagreements and pernicious pragmatism: Pluralism, value argumentation, and the U.S. health care debate

John Rief
University of Pittsburgh

Matthew Paul Brigham
James Madison University

Bill Balthrop

Follow this and additional works at: <http://scholar.uwindsor.ca/ossaarchive>



Part of the [Philosophy Commons](#)

John Rief, Matthew Paul Brigham, and Bill Balthrop, "Moral disagreements and pernicious pragmatism: Pluralism, value argumentation, and the U.S. health care debate" (May 18, 2011). *OSSA Conference Archive*. Paper 53.
<http://scholar.uwindsor.ca/ossaarchive/OSSA9/papersandcommentaries/53>

This Paper is brought to you for free and open access by the Faculty of Arts, Humanities and Social Sciences at Scholarship at UWindsor. It has been accepted for inclusion in OSSA Conference Archive by an authorized administrator of Scholarship at UWindsor. For more information, please contact scholarship@uwindsor.ca.

Moral disagreements and pernicious pragmatism: Pluralism, value argumentation, and the U.S. health care debate

JOHN JOSEPH RIEF

*Department of Communication, Institute for Clinical Research Education
University of Pittsburgh
4200 5th Avenue, Cathedral of Learning 1117, Pittsburgh, PA 15260
United States of America
jjr21@pitt.edu*

MATTHEW PAUL BRIGHAM

*Department of Communication Studies
James Madison University
54 Bluestone Drive, MSC 2106, Harrisonburg, VA 22807-001
United States of America
matt.brigham@gmail.com*

ABSTRACT: This paper suggests some important revisions to Perelman's approach to resolving major value-based disagreements in pluralist political cultures by analyzing a critical exemplar—the national health care debate in the United States—in which political and economic expediency have justified withholding rights from citizens despite their recognition by government officials. In addition, this study illuminates the dangers of a pernicious pragmatism, borne of a certain understanding of reasonableness, which is creeping into policy debates in the United States.

KEYWORDS: Perelman, value debate, pluralism, rhetorical action, community, *epideictic* rhetoric, health care

1. INTRODUCTION

We live in an unreasonable time. Democratic deliberation has given way to political demagoguery, “group polarization” (Sunstein 2003), and the erosion of the political ties that are said to bind us together as members of democratic communities. This is perhaps no clearer than in contemporary U.S. political culture. The rise of the Tea Party and its seemingly absolutist claims against government intervention, the progressive widening of various religious fundamentalisms that craft unyielding boundaries between right and wrong on issues as broad as abortion and intelligent design, the inability of right and left to govern together as evidenced most recently in Wisconsin, and a host of other developments all point to a lack of identification with opposing viewpoints. In addition, as oppositional groups continue to wield their own forms of fundamentalism, those elements of democratic life that are said to sustain the invention of solutions to important problems are also eroded. Such a state of affairs promotes modes of public interaction that do not resemble debate but rather a sort of “pamphleteering” (Burke 1953: viii) through which viewpoints are expressed but not opened up to criticism or meaningful disagreement. Arguments are expressed but not necessarily debated.

The problem with these deliberative conditions is that they allow individual arguers to appeal to an ideal audience that always already agrees with their point of view,

thereby undermining the possibilities for fair and open debate in which individuals risk themselves, risk the possibility of being wrong (Ehninger 1970; Ehninger & Brockriede 1972). Patricia Roberts-Miller (2004) notes that in this “expressivist” model of public deliberation, “one does not try to persuade one’s oppositions (since they are deluded at best and greedy at worst), but some hypothetical construct (who, not coincidentally, grant one’s premises)” (p. 49). In other words, “expressivist” political cultures engage in a kind of “monism” that

promote[s] a reductionism which is sometimes barely tolerable. When they do not succeed in persuading everybody of the truth of their point of view, they may justify coercion and the use of force against the recalcitrants in the name of God, of reason, of truth, or of the State’s or party’s interests. (Perelman 1979: 63)

Of course, the idea that such “monism” and “expressivism” should be rejected in favour of a more open ended and pluralist rhetorical culture is well established historically. Societies that are more open to the process of argumentation as opposed to the cultivation of ideologically firm standpoints are less likely to engage in internecine violence, are more likely to support the human rights that are the hallmark of freedom, and tend to recognize that the views of others hold value (Perelman & Olbrechts-Tyteca 1971: 514; Glover 2000; Frank 2004a: 267).¹

Faced with such a political culture, government officials are often struck by the power of reform and a kind of utilitarian thinking that secures the best possible outcome through the worst possible argumentative process. It is no secret that U.S. governance is now clotted with the glut of anti-democratic procedures ranging from the filibuster (Fisk & Chemerinsky 1997; for an excellent history of the filibuster, see Wawro & Schickler 2006) to the various “compromise” solutions that have been reached on important policy matters. The Obama administration has, on a variety of fronts, worked hard to publically denounce intractable partisanship while at the same time gutting their domestic legislative goals in order to secure their passage (a topic of extensive debate and development, see e.g., Baker 2009). Whereas “compromise” might once have meant selecting outcomes that are at least acceptable to all parties, it now seems to stand for a state of affairs in which all parties have had a chance to express and encode their viewpoint into legislative action and, in so doing, erode the value and potential solvency of the policy options up for deliberation.

In this paper, we discuss these problems from within the horizon of argumentation theory. Of course, argumentation theorists, in the face of such difficulties, are likely to dig in their heels and argue in favour of promoting more reasonable modes of public disagreement, dialogue, debate, and decision making. The problem is that moving toward a conception of the reasonable can re-entrench rather than expose and undermine the notion of vague or thinly achieved political “compromise.” The rejection of absolutist and “expressivist” modes of deliberation in favour of reasonableness can, in other words, become identical with the move of the Obama administration to find the middle ground as it continues to put forward its domestic agenda, thereby guaranteeing the failure or at least the less effective implementation of policy goals.

¹ In fact, David Frank cites Glover’s book which establishes a moral justification for reasonable disagreement as an alternative to violence and dehumanization.

For this reason, we begin our analysis by entertaining and interrogating the pluralist, heavily rhetorical, and fundamentally reasonable theory of democratic deliberation developed in the works of Chaïm Perelman. For Perelman (1979: 1-35), pluralist democratic life is defined by the need to debate various value claims that at first seem mutually exclusive. He rejects any calculus that might reduce social, cultural, and religious values to outputs of “utility” (1979: 30); however, some elements of his theory of argumentation as linguistic and rhetorical “action” (1979: 35) may in fact undermine the possibility for avoiding anti-democratic compromise. In other words, Perelman, along with many other argumentation theorists, is caught in a potential double-bind: either (a) we embrace thinly achieved compromise as the central attribute of democratic decision-making, thereby opening up all values to a destructive political pragmatism, or (b) we embrace absolutism and expressivism and the complete incapacitation of democratic deliberation. As a potential solution to this double-bind, we argue, in line with Perelman (1979: 5-7), that *epideictic* (openly value-based, moral, and ethical) argumentation must be invigorated in order to cultivate a more robust debate about values. We offer some elucidation and augmentation of Perelman’s stance in this regard. We view *epideictic* rhetoric as an alternative to the promulgation of empty-signifiers or “charismatic terms” that “operate independent of referential connections” (Weaver 1965: 227) and, at times, propel the creation of polarized interest groups that undermine democratic deliberation.

In order to flesh out this argument, we take up a critical exemplar in U.S. contemporary political culture – the national health care debate initiated at the beginning of President Barack Obama’s presidential campaign– to reveal the excesses and limitations of compromise. In this case, political and economic expediency justified withholding basic rights from citizens despite their recognition by some government officials (a clear contradiction). In this sense, we engage in the kind of work that Perelman and his co-author, Lucie Olbrechts-Tyteca utilized in the production of *The New Rhetoric* (1971). In this text, they looked for cues as to the forms, styles, schemes, and deployments of argumentation in political and literary discourse (Perelman 1979: 9). We do the same by analyzing two speeches delivered by President Obama on the issue of health care. In so doing, this study illuminates the dangers of rejecting powerful claims of value in the pursuit of a pernicious pragmatism that is beginning to wrest not only effectiveness but also justice and prudence from the legal and political institutions of the U.S. as well as undermine the health of its democratic public culture. This pragmatic approach to policy-making is pernicious in the sense that it erodes the possibility for staking out robust moral claims by rooting them in less important, or, in the very least, incomparable “association-al clusters” (Burke 1974: 20). We conclude with a brief defence of the *epideictic* genre and the need for ongoing revaluation or re-hierarchization of values in U.S. political discourse.

2. PERELMAN’S THEORY OF RHETORICAL DEMOCRATIC PLURALISM

Rhetoric, here understood as rhetorical argumentation following Perelman, is situational (Bitzer 1992/1968), contingent, and epistemically confined to the use of practical reason (Perelman 1979: 35, 124-133). It is certainly no surprise that Perelman ended up rhetorizing his philosophical theory as he could not find the open-ended theory of language he needed to challenge philosophical “monism” (Perelman 1979: 62-3) from within the horizon of philosophy as such (Tindale 2010). He faced the worse kinds of totalitarian ration-

alisms throughout the beginning of the 20th century and was searching for a model of political community that uses the power of *logos* to suture pluralist societies together under the aegis of fair, equitable, and just political processes (Graff & Winn 2006; Frank 2004a; Frank 2007).

Certainly, rhetoric plays such a role. Scholars from Aristotle (2007) to Kenneth Burke have recognized the civic powers of rhetorical action, the ways in which it crafts the possibility for “identification” and “consubstantiality” (Burke 1969: 20-23) and the philosophy of human freedom that can be articulated through its ethical uses (Perelman 1971: 514). We do not disagree with this understanding of the important role that rhetoric can and should play in the promotion of democratic culture. Instead, we argue that the overly optimistic assumptions of rhetorical action, found in Perelman’s work (and others), should be tempered by an empirical analysis of the ways in which rhetoric is actually being deployed. In other words, rhetoric’s problematic deployment may undermine the relevance of theorization. We should not forget the debate in Plato’s *Gorgias* regarding the dangers of rhetoric. Plato may have felt that rhetorical pedagogues should be held accountable for promulgating such a dangerous *techné* (456a-458c); however, we might instead say that it is rhetoric itself that paradoxically holds the “promise of reason” and the despair of totalitarianism.² One need go no further than Kenneth Burke’s “The Rhetoric of Hitler’s Battle” to understand how rhetoric can be deployed both as a kind of “magic” that produces absolute terror and a kind of prophylactic that allows individuals to analyze and demystify the discursive trickeries of demagogues (Burke 1974: 191-220). In short, rhetoric holds a great deal of promise, but we cannot assume that it, in and of itself, implies democratic action and a means to produce pluralist compromises that protect basic human rights and, more generally, produce moral actions.

This is, of course, not a new realization. Many theorists have extended Plato’s critique of rhetoric throughout the intervening ages (Perelman 1979: 1-7). We do not ignore these developments but, rather, find promise in returning to the works of Perelman to discover both the problems and possibilities of rhetorical action. Perelman offers a “new rhetoric” insofar as he binds his rhetorical theory to a vision of political community that might act to defuse the fascist and anti-humanistic trajectories of his age (Frank 2004a; Frank 2007). He also provides a variety of terms that help to identify the work that rhetoric does in the invention, cultivation, and distribution of democratic modes of life (or at least reasonable ones). However, his theory is perhaps too optimistic about the power of rhetorical action. It is also unfortunate that certain elements of his theoretical work remained undeveloped or unfulfilled as they might allow for solutions to the problems that rhetorical action presents for democracy. Throughout the rest of this section, we flesh out our understanding of Perelman’s theory of rhetoric and political community as fundamentally inseparable idealities. We then point to some gaps left in his theorizing, especially in its application to contemporary political life. Finally, we point out how his rhetorical philosophy provides some hopeful scholarly trajectories that might allow us to continue his “New Rhetoric Project” (Frank 2003; 2004a) in a time of unreason.

Many scholars begin their analysis of Perelman by returning to *The New Rhetoric* (1971); however, much of his political theorizing about the implications of his work with Lucie Olbrechts-Tyteca is actually developed in a text that has received less atten-

² Here, we make reference to the recent conference commemorating the 50th anniversary of *The New Rhetoric* held at the University of Oregon May 18-20, 2008 under the title “The Promise of Reason.”

tion, *The New Rhetoric and the Humanities: Essays on Rhetoric and Its Applications* (1979). In this text, several important applications of Perelman's rhetorical theory are presented in order to show how his understanding of rhetorical argumentation can do work in the realm of philosophical thought and political action. Most importantly, Perelman attempts to explain and understand the complexity of pluralist political communities and their relationship to rhetorical and democratic modes of argumentation. He does this by iteratively engaging in a critique of "monism," a defence of the "reasonable," and the development of a notion of value argumentation as critical points of departure for a theory of decision making based on social values and rooted in the embrace of pluralism. The following sections gloss these developments and provide needed correctives for contemporary political and rhetorical life.

2.1 Perelman's theory of rhetorical action

Perelman's theory of rhetorical action emerged out of his effort to find a way around the problems of philosophical "monism" (Perelman 1979: 62-3). Instead of working out a unified system that would guarantee rational and analytically valid argumentation, something more akin in political terms to totalitarianism, Perelman instead offers a view of rhetoric as a way to promote "adherence" (1971: 1; 1979: 10) to a particular point of view through reasonable "justification" (1979: 33). In other words, rhetoric aims at crafting a "community of minds" (1979: 7) that can take action to address the problems that it faces without undermining the participation and values of all involved. In "The New Rhetoric," Perelman recounts his work with Lucie Olbrechts-Tyteca, commenting on the history of the dispute between philosophy and rhetoric. He argues that the stylistic view of rhetoric that came to dominate philosophy did a great disservice to the civic and humanistic work of rhetoric in the promotion of democratic pluralism and human freedom (1979: 5-7). Instead of embracing all out relativism, Perelman instead argues throughout this essay that rhetoric does its work through a mode of "practical reason" that draws on commonly held beliefs and opinions in order to persuade civically minded audiences to act in the promotion of the good (1979: 35).

He places a crucial limitation on (or, alternatively, develops an important critical method for judging) what should be deemed reasonable – the audience. For Perelman, the audience (both the real and the imagined) to which rhetors aim their appeals and their efforts to expand adherence to their viewpoint, should be the primary criterion by which their rhetorical action can and should be judged (1971: 31-35; 1979: 13-15). Much debate has occurred on the exact nature of Perelman's conception of "the universal audience" or the ideal and fully reasonable audience (see e.g., Crosswhite 1989; Gross 1999; Jørgensen 2009). We will not rehearse that debate here. Instead, we endorse the view that audience is a limitation that Perelman places on rhetorical action and that any rhetorical act may be judged by the quality of audience to which it is addressed (Perelman & Olbrechts-Tyteca 1971; Perelman 1979). One can determine the quality of this audience either by engaging in sociological analysis of real audience members (something that Perelman does not suggest and that we do not endorse) or through an analysis of the arguments being made by the rhetor. As rhetoric is audience-oriented, one can infer that rhetors are aiming their discourse at a particular conception of their audience which they use as a heuristic tool from the inventional stage to the actual delivery of the speech. However, and important to

our argument, Perelman does not explicitly expand this theory of audience analysis to include a conception of constituting audiences through rhetorical action, something that U.S. rhetorical scholars have argued is an important element of rhetorical theory and practice (Vatz 1973; Charland 1987). Perelman's theory of rhetorical action, then, might be supplemented by the view that rhetors should not simply understand and address their rhetoric to an audience (ideal, imagined, or real) but should also engage in the crafting of audience through rhetorical work.

2.2 Perelman's theory of pluralist political communities

Emergent in Perelman's rhetorical theory is a robust conception of pluralist democratic society (1979: 62-71). One can find ample evidence in his work to suggest the necessity of moving to the ground of theorizing political action among and between divergent (or at least very different) groups within a society. If rhetoric is to be the bonding agent in the alchemical magic of democratic activity, then it must account for disagreement (Perelman 1979: 111-116). In addition, if rhetoric is fundamentally a rejection of "monism" and "rationalism" then it must embrace a theory of reasonableness that accounts for differences of opinion without silencing oppositional voices or succumbing to totalitarianism. Put another way, in order to avoid the "expressivist" model of deliberation (Roberts-Miller 2004), Perelman needed to find a way to account for differences of opinion that would allow them to remain in dialectical tension. He does this through his work on Talmudic argumentation and disagreement (Perelman 1979: 112-113; Frank 2003; Frank 2004b). In essence, he claims that two points of view (potentially two diametrically opposed points of view) can both be reasonable, that, in fact, rhetoric finds its value in those moments of contingency in which multiple arguments could and perhaps even should win the day: "Between the two opposed interpretations, *both are seen as equally reasonable*; we will choose, but not on the basis of the falsity or irrationality of the one or the other" (Perelman 1979: 113).

But what does a notion of pluralist reasonableness mean for democratic decision making? This is a more problematic issue for Perelman. He rejects the notion that a single principle (e.g., utilitarianism) should be deployed in the eradication of agonistic (or, incommensurable) disagreement necessary for political action (1979: 30). Instead, he argues that "compromise" is the ultimate goal of democratic pluralism (1979: 67):

The pluralist State . . . recognizes the existence of a pluralism made up of incompatible values. Hence the need for reasonable compromise, resulting from a permanent dialogue and a comparison of opposing views.

The social and political life of a democratic society – along with freedom of belief, freedom of the press, and freedom of meeting and association, offers a well known form of sociological pluralism. Each one of these freedoms may obviously create abuses and infringements upon the rights and freedoms of others. It is up to the lawmakers, to the courts and to the jurisprudence to establish and maintain a balance, always delicate, between legitimate claims. In each situation, it is a matter of seeing a solution which is acceptable, reasonable, and fair because it is well balanced. (Perelman 1979: 67)

Only through open dialogue and disagreement can decisions be made about what is reasonable (based on the kind of audience to which the discourse is addressed) and then what action, among various reasonable alternatives, can and should be implemented. The

problem with this understanding of compromise is that it cannot account for or resolve those rhetorical situations that are inhabited by diametrically opposed groups except through recourse to authority figures who can maintain a “balance.” As Barbara Warnick (2009) points out, Perelman’s conception of the reasonable is based on several primary attributes: “conformity to principles acceptable to everyone; specificity to culture and context; and a check on the legal system as a formal and positivistic concept” (p. 107). The problem with configuring the “reasonable” in this way is that it suggests there is some kind of balance, some set of principles that will work for everyone, some means through which to check the social, legal, and political spheres through a sustained form of public dialogue. What if this is not the case, or, at least minimally, that the form of ongoing dialogue, in any given society, while permanent is not sufficient to the task of overcoming extreme disagreement?

It is one thing to disagree on the adequate means to achieve a certain end. However, if the end itself is in dispute or otherwise rendered unstable, then compromise does not seem to make much sense. In addition, compromise can become a kind of pernicious assault on certain groups within a society. While it does tend to grant closure to controversies, we must be careful that this closure does not allow for ongoing abuses that are rendered invisible. Finally, compromise can become the calling card of a certain style of reformist politics that allows for ongoing injustice in the name of allowing all voices to be heard and forming policies that are least offensive to the greatest number of people. While such outcomes would not be possible in a world of ideal rhetors and audiences, they have become political reality for many societies. This is the fundamental paradox inhering in rhetorical action and political pluralism. Openness to one’s opposition can be either (a) a means to promote real dialogue, or (b) a means through which your opposition can entertain increasingly unreasonable points of view and claim the right to express them. Illuminating work has been done in argumentation theory to suggest that merely engaging in debate with one’s opponents may in fact grant them a kind of credibility that they did not have before, stirring the political pot in the direction of sustained controversy as opposed to closure (Klope 1994). Closure itself has been investigated as a potentially productive but also limiting element of public controversies, particularly in the sciences (Engelhardt & Caplan 1989).

Of course, before we saddle Perelman with all of these objections to political compromise and unreasonable argumentation, we should note that he is writing a rhetorical theory within the horizon of the ideally democratic and reasonable society. One way to entertain Perelman’s theory in the context of divisive pluralism is to suggest that at least some of the viewpoints are not reasonable and that the audiences to which they are being directed are equally unreasonable. However, Perelman was not happy with the detached theorizing of philosophers and was certainly engaged in political activism to promote human rights. Again, a double-bind emerges. If Perelman is right that no single principle can possibly promote democratic decision making, then simply promoting a certain version of the universal (or particular) audience, or promoting a certain conception of the reasonable, will not successfully promote democratic pluralism. Of course, we must agree with Perelman and his reading of Aristotle’s *Nicomachean Ethics* when he suggests that, “pluralism does not claim to provide the perfect, unique and final solution, but simply human solutions” (1979: 71). However, in suggesting that reasonableness must include some sense of agreement across all groups and that pluralism demands a wid-

ening net of the reasonable, Perelman's articulation may unwittingly subscribe to a new kind of rationalism, a new universalism of mere expression as opposed to deliberation. This is one element of the human factor to which Perelman refers and the one to which we orient ourselves in this paper.

2.3 Perelman's value-based argumentation and epideictic rhetoric

A philosophically tidy solution to intractable disagreement is the production of a particular standard whereby all values, arguments, viewpoints, beliefs, and opinions can be reduced to a basic calculation. Perelman (1979) notes that this calculative mode of thinking produces a situation in which, "all ends would be reduced to a single one of pleasure or utility, and all conflicts of values would be dismissed as based on futile ideologies" (p. 30). Perelman rejects such a state of affairs and affirms values as the primary *loci* of disagreement rather than a problem to be managed through rationalism or principlism. In short, he reorients the project of rhetorical argumentation toward a theory of value arguments. He notes that,

Yet in morals absolute preeminence cannot be given either to principles [as in the utilitarian calculations criticized earlier] – which would make morals a deductive discipline – or to the particular case – which would make it an inductive discipline. Instead, judgments regarding particulars are compared with principles, and preference is given to one or the other according to a decision that is reached by resorting to the techniques of justification and argumentation. (Perelman 1979: 33).

Instead of applying a specific principle to the values under consideration, and instead of simply avowing adherence to a particular slate of values that are either empty terms or too particular to be of use to a larger polity, Perelman instead embraces an Aristotelian conception of value-based argumentation rooted in the ancient rhetorical genre, "*epideictic*" (1979: 6). At least one way to view Perelman's turn to *epideictic* rhetoric is as a means to overcome the problems of pluralism and insurmountable forms of disagreement. He is not the first or only scholar to attempt such an overcoming (Burke 1969; Warnke 1999) or to extend the prominence and province of *epideictic* rhetoric into the domain of civic dialogue and debate (Agnew 2008; Graff & Winn, 2006; Sheard 1996); however, his re-valuation of the *epideictic* genre is singular in its breadth and importance.

He iteratively develops his *epideictic* view of democratic deliberation throughout the essays in *The New Rhetoric and the Humanities*. Most importantly, he suggests that a misreading of the *epideictic* genre, perpetrated by philosophers in the effort to downgrade "stylistic" and flowery rhetoric, has caused it to be associated with beauty as opposed to action and deliberation: "the orator's aim in the *epideictic* genre is not just to gain a passive adherence from his audience but to provoke the action wished for or, at least, to awaken a disposition to act" (1979: 7). As part of his own project to formulate a "rule of justice" suitable to democratic society, Perelman found that values (sometimes already agreed to ahead of the event of decision making) buttressed any effort to formulate just outcomes (1979: 55). For this reason, he attaches extreme importance to *epideictic* rhetoric as a mode of education (1979: 6) and a means to achieve agreement on reasonable solutions to shared problems (1979: 15).

In line with his work on *epideictic* and value-based argumentation, Perelman also delivers some important rhetorical tools useful in the invention and delivery of val-

ues to a reasonable audience. He suggests that values are often part of a larger hierarchy, often assumed by the audience or the society in question (Graff & Winn, 2006; Perelman, 1979: 16). As such, the *epideictic* rhetor must clarify the relationship between the key values espoused in her speech and the other values that are dear to her audience. Unfortunately, such hierarchies are often established before the rhetor begins her discursive action. In addition, pluralism implies that various hierarchies (as opposed to just one) are operative in a society at any given time. This complicates the role of the rhetor in the space of value-based debate. One solution, mentioned earlier, would be to view the role of the rhetor as establishing values and value hierarchies for her audience. Instead of accepting the current hierarchy or the ways in which rhetorical situation implicates the options available to the rhetor in discussing value hierarchy, rhetors might instead engage in the inventional work of crafting new hierarchies that question ensconced values (Graff & Winn, 2006: 63). This is a difficult project, but one worth the effort if the rhetor needs such a reorientation to meet their goals. In this sense, an anti-materialist, anti-realist, and overtly symbolic discourse may be needed as a corrective to the overly realist conception of language that sometimes inheres in discussions of audience and rhetorical situation (see e.g., Bitzer 1968 vs. Vatz 1973).

In addition, Perelman notes that value-based argumentation often involves the strategies of association and “dissociation” (1979: 24). By this, he means that rhetors must often show that the values they espouse are in fact the most important (more so than the values held by the audience) and that they are related to other values that their audience accepts as central to their understanding of the good life. In addition, when rhetors face less than agreeable audiences (or, simply, pluralist audiences), they will often need to engage in dissociation to promote a re-valuation that supports their argument: “the dissociation results in a depreciation of what had until then been an accepted value and in its replacement by another conception to which is accorded the original value” (Perelman, 1979: 24). This tool is essential as it is useful to our current effort of articulating ways to overcome pluralist incommensurability without adopting thinly realized compromise or universalized reasonableness. Instead of working within established rhetorical, political, and value coordinates, rhetors might provide new ones. This insight points to Perelman’s effort to engage the issue of symbolically reorienting an audience, something often missing from his discussions of the universal audience (or audiences in particular) and pluralist democratic polities. We promote this view in the next section as we analyze President Barack Obama’s speech acts when attempting to secure the passage of his health care platform. Throughout, we try to show that the *epideictic* genre and Perelman’s conception of dissociation are central to overcoming the many problems faced by pluralist democracies. Instead of remaining trapped within a theory of rhetorical effectivity, Perelman adopts a theory of adherence that, while in need of some corrective work, points the way to a change in democratic deliberation that provides some hope for contemporary U.S. politics (and the political problems faced by democracies everywhere). It is in this sense that dissociation can be seen as a kind of safety valve for overly divisive pluralist communities offering hope that value structures might be changed, permuted, or in some way altered so as to overcome deliberative intransigence without doing violence to the various stakeholders involved and their values. Emphasizing dissociation here allows us to rearticulate Perelman’s contribution to the development of *epideictic* rhetoric in political and civic affairs. Sheard has claimed that Perelman largely adopts the notion that, “epideictic audiences are

given a view of reality with which they already agree” (1996: 776). However, dissociation implies that *epideictic* rhetoric might be used to challenge pre-existing values and value hierarchies. In this way, Perelman’s overall conception of democratic deliberation comes close to Sheard’s notion that, “we also use epideictic to express the differences among our perceptions of what is and our visions of what could be, and to imagine possible, alternative worlds that might accommodate us all” (1996: 791).

3. THE U.S. HEALTH CARE DEBATE: PRESIDENT OBAMA’S ASSOCIATIONS, DISSOCIATIONS, AND VALUE HIERARCHIES

In this section, we analyze two different inflection points in President Obama’s rhetorical work regarding health care reform. The problem of health care animated Obama’s rhetorical work during his campaign and the first two years of his administration. One pundit notes that he spoke well over 50 times on the issue of health care during the first two years of his administration (Knoller 2010). This does not account for his speeches before his election or for the comments made in less formal settings. In other words, there is a great deal of discourse on this subject, even when limited only to the rhetorical work of Obama. For this reason, we engage in a brief criticism of two primary speech artefacts that we believe represent Obama’s argument for universal health care and the changes of emphasis and hierarchy that occurred throughout its development. We agree with the notion that the critic is responsible for making or remaking public discourse while at the same time engaging, analyzing, and critiquing it (McGee 1990). This is both a justification for our method in this section and a way to articulate the work we plan to do. The two speeches we will analyze are: (1) Obama’s address to the *Families USA* Conference in Washington, D.C. on January 25, 2007, and (2) Obama’s speech to the joint session of Congress on September 9, 2009.³ The first of these two speeches was delivered before his official announcement of candidacy. The second was delivered in the midst of the national health care debate during the first year of his presidency. In this sense, the two speeches are litmus tests for the development of Obama’s argument across time and oriented to different audiences.

President Obama’s speech to *Families USA*, delivered during his campaign, represents an effort to defend universal health care and bring to light the “wrongs” being committed against individual Americans who are denied health coverage. Taking into account his audience, Obama sings the praises of the historical battle for universal health coverage and argues that action must be taken to finally realize it. While one could argue that this speech is merely an example of Obama developing an argument for a specific or particular audience (e.g., *Families USA* supports universal health coverage, something that Obama admits in his speech), it also represents Obama’s overall view on health care during his campaign. The notion that health care is a “right” never quite enters into the speech; however, universal health coverage is represented as the correct and only solution to the many problems facing America, not just the economy (a key point of distinction between this speech and the next as we will point out). Obama notes this idea early in his speech using no uncertain terms:

³ In order to maintain the flow of this part of the text, we have indicated quotations from the speeches by marking them off from our writing. Both speeches are cited at the end of the paper.

In the 2008 campaign, affordable, universal health care for every single American must not be a question of whether, it must be a question of how. We have the ideas, we have the resources, and we must find the will to pass a plan by the end of the next president's first term.

The stakes could not be clearer for Obama. Health care is not simply a goal, it is an obligation. He suggests that, as of this speech, "the emergence of new and bold proposals from across the spectrum has effectively ended the debate over whether or not we should have universal health care in this country." At this point, the kind of pluralist disagreement described in the preceding sections of this paper seems to have disappeared. Instead, agreement as to the need for action on universal coverage is clear and without doubt.

And yet, as Obama continues to deliver his speech, he notes that there are naysayers, individuals who believe it cannot happen. He argues that the "smallness of our politics" must be replaced by "bold" action. He declares, "they say its too costly to act," and "they say its too risky to act," but that these views must give way to the notion that "pushing the boundaries of what's possible" must be the new calling card of American politics. Here, we can see Obama setting up a hierarchy of values. While stability and security are important, these cannot be arguments against universal health coverage given its importance to the very social fabric of America. While he admits to some opposition, he basically renders it mute by asserting the existence of a broad coalition of forces in favour of universal health coverage that spans the political spectrum. Of course, this kind of rhetorical flourish in support of bipartisanship has always been a part of Obama's message; however, here it is used to suggest that the old hierarchies that have stood in the way of acting on health care are now irrelevant. He has dissociated the unfulfilled and yet hopeful future of health care from its disastrous past.

In addition, Obama refuses the reductive tendency to deal with health care as if it is only one part of the larger economic problems facing America. While it is true that the economic crisis had not reached its climax at this point, it is important to note that Obama began by arguing that while health care is important to economic solvency, it has a wider value than that. He suggests this by placing the economy alongside other critical problems facing Americans. Instead of rendering health care as primarily an economic concern, he clusters it around other important values, making them relational as opposed to mutually exclusive or turning some into mere support mechanisms for one in particular: "Because when you see what the health care crisis is doing to our families, to our economy, to our country, you realize that caution is what's costly. Inaction is what's risky." The economic burden of universal health care is rendered unimportant here, both because universal health care may solve many of the economic problems faced by families but also because other issues are important as well including family life and the cohesiveness of the country writ large.

While it is possible to read the same kinds of economic reductionism in this speech as we will find in the next, we believe that this speech, by utilizing the term "universal" throughout and by suggesting that we must work beyond the boundaries of the "possible," establishes a hierarchy in which health care can be valued in its own right and as something we are obligated to provide to all individuals. Moreover, the speech directly praises a politics that dreams of futures which transcend the possible. The impossible or potentially unimaginable power of American politics is valued over the instrumental concerns of the day. In addition, while it is true that this speech was delivered before Obama's election and the ensuing economic recession, the mere fact that his rhetorical

situation changed dramatically is not a straight-forward justification for the shift away from universal health care in later speeches. Furthermore, this speech represents Obama's effort to argue in favour of health care as an obligation rather than as a solution to economic hardship. The associations in the *Family USA* speech support the notion that health care is about the caring relationship between the government and its people, rather than simply a means by which to address other more pressing problems such as the economy. Finally, in this speech, Obama argues that the political winds have shifted such that his opponents are either non-existent or simply on the wrong side of history. He changes his tone during his speech to Congress and, in so doing, reveals his inadequate negotiation of pluralism in his *Families USA* speech.

The shift in rhetorical strategy in Obama's speech to the joint session of Congress is indicative of his failure to continue his associative/dissociative strategies in his *Families USA* speech as well as symbolically manage the changes in his rhetorical situation. He fails to challenge the "constraints" (Bitzer 1992/1968: 6) of his new rhetorical situation and to recognize that his earlier efforts to undermine his opposition did not adequately account for the value terms they would deploy later or the need for a transparent discussion of the values in play in the health care debate. The problem for Obama, and for universal health care, given this shifting strategy, is that it treats health care as if it were just one more part of the economic recovery. As such, it is debatable in terms of dollars and cents, rather than being an obligatory element of any fair and equitable society. This may account for his failure to secure universal health care (or any meaningful change to the system of health care, according to some) and certainly showcases the problems with being overly pragmatic in political discourse thereby attending too much to the rhetorical situation of the moment instead of attempting to transform it.

The major shift in Obama's speech to Congress occurs at the very beginning when he emphasizes the economic disaster facing the nation. One could argue that he is simply attending to the elephant in the room; however, a certain kind of pragmatism enters his discussion of health care. For example, he transforms the value hierarchy found in his *Families USA* speech. Whereas the economic benefits of shifting to universal health care were always a part of his argument, his speech to Congress suggests that the *primary* reason to take action on health care is to restore economic stability for American families:

Our collective failure to meet this challenge -- year after year, decade after decade -- has led us to the breaking point. Everyone understands the extraordinary hardships that are placed on the uninsured, who live every day just one accident or illness away from bankruptcy.

Just a few lines later, we find Obama doing the same thing. Health care is a major problem due to its cost: "Then there's the problem of rising cost. We spend one and a half times more per person on health care than any other country, but we aren't any healthier for it." Finally, he argues that health care is a problem that must be addressed to lessen the burdens on taxpayers: "Finally, our health care system is placing an unsustainable burden on taxpayers." All of these moves indicate a subtle shift away from the notion that fixing health care is an obligation with economic benefits to the claim that fixing health care is necessary to save the economy.

In addition, the notion that "universal" health coverage should be guaranteed to all Americans is barely mentioned. Obama only uses the term "universal" when discussing the health care plan supported by Ted Kennedy. In a similar way, the notion of over-

coming the impossible is deleteriously rearticulated as a legislative battle to do what is possible and only that: “I believe it makes more sense to build on what works and fix what doesn’t, rather than try to build an entirely new system from scratch.” Most of the second half of the speech details the pragmatic plan, the remaining and highly diluted elements of the original ideal of universal health coverage.

Finally, instead of side-stepping the problems of pluralism and disagreement as he did in the *Families USA* speech, Obama directly confronts his opponents and demands that they end their partisanship:

But what we’ve also seen in these last months is the same partisan spectacle that only hardens the disdain many Americans have towards their own government. Instead of honest debate, we’ve seen scare tactics. Some have dug into unyielding ideological camps that offer no hope of compromise. Too many have used this as an opportunity to score short-term political points, even if it robs the country of our opportunity to solve a long-term challenge. And out of this blizzard of charges and counter-charges, confusion has reigned.

Well, the time for bickering is over. The time for games has passed. Now is the season for action. Now is when we must bring the best ideas of both parties together, and show the American people that we can still do what we were sent here to do. Now is the time to deliver on health care. Now is the time to deliver on health care.

Obama’s new strategy in his speech to Congress is to articulate a path around disagreement by suggesting that the time for disagreement is over. This is another subtle shift in his strategy. Remember that in his *Families USA* speech, Obama argues that disagreement has ended because all political parties, all groups, now agree that action is needed (an empirical claim). Here, Obama argues that “bickering” is ongoing and that his opponents are using “scare tactics” that should be rejected outright (a procedural and symbolic claim). While he may be correct, his two-fold strategy for managing his opposition is problematic. The first part of the strategy, already noted, is to make his plan seem more pragmatic, tying it to the realm of the “possible” and economic recovery. This simply opens up health care to debate under the larger value of the economy making it less powerful and harder to articulate as an obligation. The second part of his strategy, denying the existence of disagreement, produces a rhetorical and political stance that allows for and in some ways guarantees continued “expressivist” activities.

In short, our argument is that Obama shifts away from defending universal health care as an obligation in his *Families USA* speech in order to rearticulate health care as a primarily economic concern (both a contradiction and a devastating development for his earlier argument) in his speech to Congress. By doing this, Obama achieves a kind of pragmatic and economically realist stance that undermines the supremacy of health as a value that should be placed much higher than economic growth and security. This serves his political opposition and demonstrates the potential importance of the concept of pernicious pragmatism and its attendant outcome of thinly achieved compromise that we have been discussing throughout this paper. In addition, Obama allows for a sort of dissociation between health care and social obligation and a association of health care with economic stability. By engaging in this rhetorical tactic (one that seems, at least to us, to be the hallmark of his domestic legislative strategy), Obama undermines the revaluation of the hierarchy in U.S. public culture necessary for the development of health care as an obligation that transcends economic concerns, something that was at least possible given the content and organization of his health care message during his political campaign.

4. CONCLUSION(S)

This paper has argued that there is a fundamental paradox between rhetorical action and the effective deliberation that can and should exist in pluralist democracies. Effectively handling this paradox is a pre-requisite to avoiding a pernicious pragmatism that seeps into democratic deliberation and renders it ineffective, especially when it comes to primary social values (e.g., health and wellness). We began by analyzing the gaps in Perelman's rhetorical theory, primarily his endorsement of compromise as a potential solution to pluralism. While he may be right that a certain kind of compromise and associated dialogic orientation must occur for effective democratic deliberation to flourish and solve problems, he is often silent on the issue of how and to what extent his own conceptions of reasonableness and agreement might be misused or lead to the mismanagement of controversy. While it is the case that he intends to outline an ideal theory of political discourse, we must always attend to the empirical workings of deliberation in order to understand how ideals are enacted, used, and abused. Furthermore, we found reason to hope that while Perelman's theory of reasonableness and rhetoric seem to rely on the notion of a certain kind of "practical reason" admissible to all (Warnick 2009), he does offer the safety valve of dissociation when the rhetorical situation facing rhetors is simply insufficient to the task of overcoming disagreement and realizing the goal of human freedom. In addition, we pointed out the direct connection between Perelman's theory of dissociation and his endorsement of an augmented version of *epideictic* rhetoric. Both seem to play a key role when disagreement has produced unhealthy modes of deliberation.

We then applied these findings to a contemporary example of political discourse: Barack Obama's shifting defence of his health care plan. We found that Obama failed to account for disagreement adequately, over-identified with the shifting nature of his rhetorical situation (by placing all other values and goals under the guise of economic prudence), and failed to apply an adequate dissociation and attendant re-association of values to the shifting rhetorical and political winds of the first year of his presidency. As such, he ended up adopting a kind of pernicious pragmatism that, at least on face, instrumentalized and undermined his earlier defence of universal health care. Writ large, our findings, though initial and open to further scrutiny, suggest that contemporary politics in the United States has succumbed to a mode of reasonableness that undermines political effectiveness and legitimacy. In short, an endless cycle of empty terms circulate around central disagreements of value with very little hope for revaluation or closure. Perelman's solution to this problem, one we endorse with some revisions, is a transparent discussion of values, of the deep-seated disagreements that Obama, for instance, variously dismissed, mishandled, or rhetorically muted.

Finally, this paper confirms the work of individuals who want to address radical disagreement without succumbing to various procedures that would regulate discourse and link reasonableness with specific parameters not open to debate (Hicks & Langsdorf 1999; Hicks 2002). Instead of marking certain arguments as unreasonable or, alternatively, attempting to meet some ideal of reasonableness that renders important social debates intractable and leaves individuals in fear of losing the basic goods and services they need to survive, we might instead engage in the *epideictic* modes of revaluation needed to articulate the obligations we bear to others in our social, cultural, and political milieus. In other words, we do not need more regulation of deliberation, we instead need to engage in the teaching and espousing of *epideictic* modes of rhetorical action that allow for an

open confrontation with the value claims we hold dear. Arguing at this level will at least undermine the overly simplistic demands and value claims made in major policy controversies in contemporary U.S. political culture and point to the possibility of challenging rather than accepting the rhetorical situations we inhabit.

ACKNOWLEDGEMENTS: This work was supported in part by the Clinical and Translational Science Institute multidisciplinary predoctoral fellowship program, awarded through the Clinical and Translational Science Institute and the Institute for Clinical Research Education at the University of Pittsburgh (Grant 5TL1RR024155-05) to John Rief.

REFERENCES

- Agnew, L. (2008). "The day belongs to the students": Expanding epideictic's civic function. *Rhetoric Review* 27 (2), 147-164.
- Aristotle (2007). *On Rhetoric: A Theory of Civic Discourse*. Second edition. Translated by George A. Kennedy. New York: Oxford University Press.
- Baker, K. (2009). Barack Hoover Obama: The best and the brightest blow it again. *Harper's Magazine* 319(1910), 29-37.
- Bitzer, L.F. (1992/1968). The rhetorical situation. *Philosophy and Rhetoric* 25 (Suppl.), 1-14.
- Burke, K. (1953). *Counter-statement*. Second Edition. Los Altos, CA: Hermes Publications.
- Burke, K. (1969). *A rhetoric of motives*. Berkeley: University of California Press.
- Burke, K. (1974). *The philosophy of literary form: Studies in symbolic action*. Berkeley: University of California Press.
- Charland, M. (1987). Constitutive rhetoric: The case of the "Peuple Quebecois." *Quarterly Journal of Speech* 73 (2), 133-150.
- Crosswhite, J. (1989). Universality in rhetoric: Perelman's universal audience. *Philosophy and Rhetoric* 22 (3), 157-173.
- Ehninger, D. (1970). Argument as method: Its nature, its limitations and its uses. *Speech Monographs* 37(2), 101-110.
- Ehninger, D. and Brockriede, W. (1972). *Decision by debate*. New York: Dodd, Mead & Company.
- Englehardt, H.T., and Caplan, A.L. (eds) (1989). *Scientific controversies: Case studies in the resolution and closure of disputes in science and technology*. Cambridge: Cambridge University Press.
- Fisk, C., and Chemerinsky, E. (1997). The filibuster. *Stanford Law Review* 49 (2), 181-254.
- Frank, D.A. (2003). The Jewish countermodel: Talmudic argumentation, the new rhetoric project, and the classical tradition of rhetoric. *Journal of Communication and Religion* 26, 163-194.
- Frank, D.A. (2004a). Argumentation Studies in the Wake of the New Rhetoric. *Argumentation and Advocacy* 40, 267-283.
- Frank, D.A. (2004b). Arguing with God, Talmudic discourse, and the Jewish countermodel: Implications for the study of argumentation. *Argumentation and Advocacy* 41, 71-86.
- Frank, D.A. (2007). A traumatic reading of twentieth-century rhetorical theory: The Belgian holocaust, Malines, Perelman, and de Man. *Quarterly Journal of Speech* 93 (3), 308-343.
- Glover, J. (2000). *Humanity: A moral history of the twentieth-century*. New Haven, CT: Yale University Press.
- Graff, R., and Winn, W. (2006). Presencing "communion" in Chaïm Perelman's new rhetoric. *Philosophy and Rhetoric* 39 (1), 45-71.
- Gross, A.G. (1999). A theory of the rhetorical audience: Reflections on Chaïm Perelman. *Quarterly Journal of Speech* 85, 203-211.
- Hicks, D. (2002). The promise(s) of deliberative democracy. *Rhetoric & Public Affairs* 5 (2), 223-260.
- Hicks, D., and Langsdorf, L. (1999). Regulating disagreement, constituting participants: A critique of proceduralist theories of democracy. *Argumentation* 13, 139-160.

- Jørgensen, C. (2009). Interpreting Perelman's universal audience: Gross versus Crosswhite. *Argumentation* 23, 11-19.
- Klope, D.C. (1994). Creationism and the tactic of debate: A performance study of guerrilla rhetoric. *Journal of Communication and Religion* 17 (1), 39-51.
- Knoller, M. (2010). Obama has given 54 speeches on health care. CBSNews.com. Posted March 19. Accessed May 20, 2011. http://www.cbsnews.com/8301-503544_162-20000825-503544.html.
- McGee (1990). Text, context, and the fragmentation of contemporary culture. *Western Journal of Communication* 54, 274-89.
- Obama, B.H., President. (2007). The time has come for universal health care. Families USA Conference, Washington, D.C. January 25th. Accessed March 21, 2011. <http://obamaspeeches.com/097-The-Time-Has-Come-for-Universal-Health-Care-Obama-Speech.htm>.
- Obama, B.H., President. (2009). Remarks by the president to a joint session of Congress on health care. U.S. Capitol, Washington, D.C. September 9, 2009. Accessed March 21, 2011. http://www.whitehouse.gov/the_press_office/remarks-by-the-president-to-a-joint-session-of-congress-on-health-care/.
- Plato (1987). *Gorgias*. Translated by Donald J. Zeyl. Indianapolis: Hackett Publishing Company.
- Perelman, C. (1979). *The new rhetoric and the humanities: Essays on rhetoric and its applications*. Boston: D. Reidel Publishing Company.
- Perelman, C., and Olbrechts-Tyteca, L. (1971). *The new rhetoric: A treatise on argumentation*. Notre Dame: University of Notre Dame Press.
- Roberts-Miller, P. (2004). *Deliberate conflict: Argument, political theory, and composition classes*. Carbondale: Southern Illinois University Press.
- Sheard, C.M. (1996). The public value of epideictic rhetoric. *College English* 58 (7), 765-794.
- Sunstein, C.R. (2003). The law of group polarization. In J.S. Fishkin, and Laslett, P. (eds). *Debating deliberative democracy* (pp. 80-101). Malden, MA: Blackwell.
- Tindale, C.W. (2010). Ways of being reasonable: Perelman and the philosophers. *Philosophy and Rhetoric* 43 (4), 337-361.
- Vatz, R.E. (1973). The myth of the rhetorical situation. *Philosophy and Rhetoric* 6 (3), 154-161.
- Warnick, B. (2009). The rational and the reasonable in the AIG bonus controversy. *Argumentation and Advocacy* 46, 98-109.
- Warnke, G. (1999). *Legitimate differences: Interpretation in the abortion controversy and other public debates*. Berkeley: University of California Press.
- Wawro, G.J., and Schickler, E. (2006). *Filibuster: Obstruction and lawmaking in the U.S. Senate*. Princeton, NJ: Princeton University Press.
- Weaver, R. (1965). *The ethics of rhetoric*. Chicago: Henry Regnery Company.

Commentary on “MORAL DISAGREEMENTS AND PERNICIOUS PRAGMATISM”

by John Rief and Matthew Brigham

BILL BALTHROP

*Department of Communication Studies
The University of North Carolina at Chapel Hill
115 Bingham Hall, CB# 3285, Chapel Hill, NC 27599-3285
United States of America
vwb@email.unc.edu*

Messrs. Rief and Brigham (2011) provide a gloomy assessment of contemporary political life and deliberation in their opening paragraphs: “We live in an unreasonable time,” they write. “Democratic deliberation has given way to political demagoguery, group polarization, and the erosion of the political ties that are said to bind us together as members of democratic communities. This is perhaps no clearer than in contemporary U.S. political culture” (1). “Arguments,” they contend, “are expressed but not necessarily debated,” and the problem with such conditions is “that they allow individual arguers to appeal to an ideal audience that always agrees with their point of view, thereby undermining the possibilities for fair and open debate in which individuals risk themselves, risk the possibility of being wrong” (pp. 1 f.). They conclude that we are caught in a “double-bind”:

either (a) we embrace thinly achieved compromise as the central attribute of democratic decision-making, thereby opening up all values to a destructive political pragmatism, or (b) we embrace absolutism and expressivism and the complete incapacitation of democratic deliberation (3).

Rief and Brigham turn to Perelman, recognizing the limitations that have been expressed about his view of audience in particular; but advance the claim that a focus on “*epideictic*” (openly value-based, moral, and ethical) argumentation must be invigorated in order to cultivate a more robust debate about values” (p. 3). Their goal is to have the rhetor establish values and value hierarchies for the audience:

Instead of accepting the current hierarchy or the ways in which rhetorical situation implicates the options available to the rhetoric in discussing value hierarchy, rhetoric might instead engage in the inventional work of crafting new hierarchies that question ensconced values. (p. 9)

The authors then turn to two speeches on health care presented by Obama. The first of these, preceding his official announcement of candidacy by only a few days, was given to the Families USA Conference in Washington, D.C. in January 2007. In this speech, according to the authors’ analysis, Obama presents health care as an “obligation” and as more than simply an economic argument, clustering it around other important values including families and our country. He is, in their view, creating a new value hierarchy by disassociating health care from its “disastrous past” and by associating it with other, positive values.

By the time of the second speech which they analyze, Obama’s address to the joint session of Congress in September 2009, the President has abandoned his construction of an alternative hierarchy of values and seeks to justify health care as “if it were just one more part of the economic recovery. As such, it is debatable in terms of dollars and

cents, rather than being an obligatory element of any fair and equitable society.” The authors continue:

This may account for his failure to secure universal health care (or any meaningful change to the system of health care, according to some) and certainly showcases the problems with being overly pragmatic in political discourse thereby attending too much to the rhetorical situation of the moment instead of attempting to transform it. (p. 12)

While this explanation is both intriguing and provocative, I wonder if, as Kenneth Burke (1970: 277) has said, “it’s more complicated than that.” I simply raise the question as to whether the contexts within which the argument moves being made are quite different and that the proffering of an alternative value hierarchy is much less viable in the September 2009 speech. The first took place when Obama was about to announce his candidacy and he was arguably forming his issues in ways that would be consistent with “change we can believe in” and the “audacity of hope.” But, during the first year in office, the demands of governing as opposed to campaigning took precedence. During the debates over health care, much was made of Senator Kennedy’s admonition to take what you can get now and come back for more later. Even if some, including the authors I suspect, are dissatisfied with ObamaCare, it is nevertheless hailed as transforming in significant ways (whether one agrees with it or not) the nation’s health care system.¹ I would question, at the least, whether the characterization presented here regarding the compromises that occurred actually constitute “pernicious” pragmatism.

I also wonder whether the constraints within the rhetorical situation were so strong that Obama would have failed equally by trying to assert an alternative set of values, placing health care as an obligation rather than as an important part of the economic recovery. The authors note that, “the mere fact that his rhetorical situation changed dramatically is not a straight-forward justification for the shift away from universal health care in later speeches” (12). But it is worth recalling, I believe, that the unemployment rate rose from 5% in January 2007 to 9.8% in September 2009 and the entire world’s attention was directed on how to prevent an even greater financial collapse. Also, throughout the year various protests were organized by Tea Party groups that emphasized economic issues such as fiscal responsibility, opposition to the Economic Stabilization Act of 2008, the American Recovery and Reinvestment Act of 2009, government programs on housing foreclosures, and others. It is plausible that Obama would have “failed” equally had he tried to narrate an alternative hierarchy of values and run the risk of being seen as even more “out of touch” with the lives of “ordinary people.” It is also worth mentioning, I think, that the criticisms of Obama’s policies were deeply grounded in very strongly held value positions.

I also want to explore briefly the possibility that the use of *epideictic* argument might not assure our escape from the double-bind previously mentioned—that is, compromise leads to the pernicious pragmatism that undermines values or we embrace expressivism and absolutism. The authors cite Perelman’s commitment to *epideictic* rhetoric as a mode of education within civic affairs and as a means “to achieve agreement on reasonable solutions to shared problems” (9). They continue:

¹ See, for example, Robert Creamer, “House health care vote transforms the political landscape,” *Huffington Post*, http://www.huffingtonpost.com/robert-creamier/house-health-care-vote-tr_b_507971.html.

the *epideictic* rhetor must clarify the relationship between the key values espoused in her speech and the other values that are clear to her audience. Unfortunately, such hierarchies are often established before the rhetor begins her discursive action. In addition, pluralism implies that various hierarchies (as opposed to just one) are operative in a society at any given time. This complicates the role of the rhetor in the space of value-based debate. One solution...would be to view the role of the rhetor as establishing values and value hierarchies for her audience. Instead of accepting the current hierarchy...rhetoric might instead engage in the inventional work of crafting new hierarchies that question ensconced values (9).

Yet, as Hauser (1999: 13) observed,

Making and judging public arguments presupposed then, as now, literacy in the community's political and moral values as an a priori condition to assessing their relative importance to collective judgment on a particular issue. Aristotle's commonplace observation that we will get much farther praising Athens before Athenians than we will before Spartans reflects the more fundamental assumption that questions of preference are always framed by the contingencies of values and ambitions held by those whose judgment counts.

In other words, the discussion of values must be consistent with those of the audience, which again, if the authors are correct, place us in another double-bind: that we still run the risk of expressivism or, by challenging the value-hierarchy, run the risk of rejection. That seems particularly relevant when, as the authors note, multiple value hierarchies exist within the body politic and when individual and group identities are invested deeply in those hierarchies.

So, again, I thank John and Matthew for raising these provocative issues and exploring these alternatives; and I look forward to further discussion about possibilities for enhancing democratic deliberation.

REFERENCES

- Burke, K. (1970). *The Rhetoric of Religion: Studies in Logology*. Berkeley: University of California Press.
- Hauser, G.A. (1999). Aristotle on Epideictic: The Formation of Public Morality. *RSQ: Rhetoric Society Quarterly* 29, 5-23.
- Rief, J.J., and Brigham, M.P. (2011). Moral disagreements and pernicious pragmatism: Pluralism, value argumentation and the U.S. health care debate. In: Zenker, F. (ed.) *Argumentation: Cognition and Community: Proceedings of the 9th International Conference of the Ontario Society for the Study of Argumentation* (OSSA), May 18-21, 2011 (pp. 1-17). Windsor, ON (CD ROM).

Reply to Bill Balthrop

JOHN JOSEPH RIEF

*Department of Communication, Institute for Clinical Research Education
University of Pittsburgh
4200 5th Avenue, Cathedral of Learning 1117, Pittsburgh, PA 15260
United States of America
jjr21@pitt.edu*

MATTHEW PAUL BRIGHAM

*Department of Communication Studies
James Madison University
54 Bluestone Drive, MSC 2106, Harrisonburg, VA 22807-001
United States of America
matt.brigham@gmail.com*

We thank Professor Balthrop for his extensive feedback and commentary on our paper. It has been and will be helpful as we continue to develop our project. We would also like to thank everyone in the audience who contributed insightful comments after Mr. Rief's presentation of our work. In addition, we would like to extend a special thanks to Dr. Hans V. Hansen and everyone at the University of Windsor who made this conference possible.

In this brief response, we focus on three primary issues raised by Professor Balthrop in his commentary: (1) that the rhetorical situations faced by President Obama in the two speeches we discuss are so different that what may be possible in one is not necessarily viable in the other, (2) that *epideictic* rhetoric might not be as potent or mutable as we suggest, and (3) that our assessment of the possibilities of democratic deliberation is "gloomy."

First, Balthrop wonders whether it is fair to equate the rhetorical resources available to a campaigner to those of a governing president. According to Balthrop, President Obama did what he could in the 2009 speech given the rhetorical situation at hand (2011: 2). He explains, for instance, "much was made of Senator Kennedy's admonition to take what you can get now and come back for more later" (2011: 2). In one sense, it is ironic that Balthrop mentions Senator Kennedy when making these arguments (2011: 2), given Kennedy's unrelenting, uncompromising stance on the importance of "universal health care" and a "public option," which Obama ultimately rejected (Conason, 2009). In addition, the notion that Kennedy would have agreed to Obama's more incremental approach is questionable. As Conason points out, for Kennedy, "the time for incremental changes had passed. He was ready to fight" (Conason, 2009). Also, while it may be true that, as Balthrop points out (2011: 2), at least a number of the stakeholders on all sides view ObamaCare as transformational, from a certain perspective that term means very little when compared with the moral and ethical vision inherent in Obama's candidacy. Transformational could mean nothing more than shifting the roles of varying bureaucracies and the addition or modification of extensive policies, procedures, and technocratic logics related to health care rather than a shift toward viewing health care as a central value in democratic life.

In addition, while we are not in a position now to offer a wholesale analysis of ObamaCare and whether it was truly transformational, this seems only partially relevant

to our reading of the speech artefacts in our paper. Our point is that, regardless of the solvency of ObamaCare, the justification for changing our health care system shifted from a broad-based appeal for improving the health and security of our public to a narrow appeal directed at solving our economic problems and that such a shift subordinated health care to an economic calculus. We believe that such a move indicates a kind of “pernicious” pragmatism in the cultivation of presidential rhetorical strategies that is dangerous in that it risks the erosion of the values at the heart of policy considerations. Whether President Obama would have succeeded in shifting the overall value hierarchy away from economic security in his 2009 speech is a counter-factual claim that is admittedly difficult to establish; however, as critics, we believe that we should notice such shifts and refuse to judge them simply on the grounds of effectiveness but also on the normative grounds of whether they contribute to the development of strong civic spaces in which something more than current exigencies implicate our rhetorical and practical choices.

Second, Balthrop’s view of the role of *epideictic* rhetoric in producing a shift in socio-political values seems somewhat limited. He quotes Hauser (1999: 13) to indicate the need for a speaker to hold “literacy in the community’s political and moral values.” While it is axiomatic that knowledge of a community’s existing values is essential to rhetorical competence, this does not wholesale discount the possibility of transforming these values (or at least attempting to do so), creating a new starting point for deliberative action on important policy concerns. As Sheard (1996: 786) explains:

epideictic can be seen as capable not only of responding to situations or 'exigencies' in ways similar to deliberative and forensic discourses but of identifying or creating them and, in this way, preceding, even precipitating, deliberative or forensic rhetoric, by instilling a sense of responsibility for and possibility of change for the better.

In other words, the suggestion that *epideictic* rhetoric is primarily about currently held values rather than the constitution of new values and value hierarchies to some extent reverses the move in the field to a notion of audience as not merely persuaded by but also constituted through the rhetorical action of the speaker. Balthrop’s point that such *epideictic* transformations are difficult, something we note in the paper and that has been suggested by Graff & Winn (2006), is well taken; however, we hope to continue to push the idea and promote open dialogue about the role of *epideictic* rhetoric in the process of revaluation, especially given the divisiveness that has crept into political discourse in the United States over the last decade.

Finally, Balthrop’s characterization of our position as a “gloomy assessment of contemporary political life and deliberation,” (2011: 1) is definitely a point worth considering. Much of the rhetorical work in our paper is suggestive of a certain kind of gloom surrounding the possibilities for public deliberation in the United States. However, this gloom is partnered with an idealist defence of *epideictic* rhetoric and Perelman’s important concept of dissociation as a “safety valve” (Rief & Brigham, 2011: 10) that might get us around the gloomier aspects of the *status quo*. Curiously, Balthrop’s own position seems to suggest that, when a rhetor faces a difficult context, audience, or set of constraints, she/he should just capitulate to the moment and compromise to get the best possible outcome, even if such compromises undermine fundamental moral and ethical principles held by the rhetor. If that were in fact the case, the assessment would be “gloomy” indeed. Fortunately, as Bitzer (1992/1968: 13-14) noted when discussing the rhetorical

situation, in some cases, when the going gets tough, the tough get going. When the “art of the possible” exceeds a mere realist, constrained assessment of the *status quo*, and instead contains an imaginative force of what could be, the vision loses its gloom and instead becomes inspiring. As Sheard (1996) points out:

In as many contexts as there are stops along the information superhighway and at more traditional sites of oral and literate exchange as well, the epideictic mode of discourse continually fosters rhetorical communities. Through our use of epideictic both 'on-' and 'off-line,' we construct images of ourselves and make them present to others. We rehearse shared assumptions and beliefs; we assess shared realities on their basis. But we also use epideictic to express the differences among our perceptions of what is and our visions of what could be and to imagine possible, alternative worlds that might accommodate us all." (790-791)

Along with Sheard, we hope to continue in this effort to reanimate epideictic rhetoric as a tool for improving democratic deliberation. We once again thank Professor Balthrop for helping us to refine our argument as we continue to consider the important objections that can be made in response.

REFERENCES

- Balthrop, B. (2011). Commentary on “Moral disagreements and pernicious pragmatism: Pluralism, value argumentation and the U.S. health care debate.” In: Zenker, F. (ed.) *Argumentation: Cognition and Community. Proceedings of the 9th International Conference of the Ontario Society for the Study of Argumentation* (OSSA), May 18-21, 2011 (pp. 1-3). Windsor, ON (CD ROM).
- Bitzer, L.F. (1992/1968). The rhetorical situation. *Philosophy and Rhetoric* 25 (Suppl.), 1-14.
- Conason, J. (2009). Ted Kennedy wanted the public option. *Salon* (August 28), http://www.salon.com/news/opinion/joe_conason/2009/08/28/kennedy
- Graff, R., and Winn, W. (2006). Presencing “communion” in Chaïm Perelman’s new rhetoric. *Philosophy and Rhetoric* 39(1), 45-71.
- Hauser, G.A. (1999). Aristotle on Epideictic: The Formation of Public Morality. *RSQ: Rhetoric Society Quarterly* 29, 5-23.
- Rief, J.J., and Brigham, M.P. (2011). Moral disagreements and pernicious pragmatism: Pluralism, value argumentation and the U.S. health care debate. In: Zenker, F. (ed.) *Argumentation: Cognition and Community. Proceedings of the 9th International Conference of the Ontario Society for the Study of Argumentation* (OSSA), May 18-21, 2011 (pp. 1-17). Windsor, ON (CD ROM).
- Sheard, C.M. (1996). The public value of epideictic rhetoric. *College English* 58 (7), 765-794.